

# The Southeastern Librarian

---

Volume 49 | Issue 3

Article 1

---

Fall 2001

## The Southeastern Librarian v. 49, no. 3 & 4 (Fall/ Winter 2001) Complete Issue

Follow this and additional works at: <https://digitalcommons.kennesaw.edu/seln>



Part of the [Library and Information Science Commons](#)

---

### Recommended Citation

(2001) "The Southeastern Librarian v. 49, no. 3 & 4 (Fall/Winter 2001) Complete Issue," *The Southeastern Librarian*: Vol. 49 : Iss. 3 , Article 1.

Available at: <https://digitalcommons.kennesaw.edu/seln/vol49/iss3/1>

This Article is brought to you for free and open access by DigitalCommons@Kennesaw State University. It has been accepted for inclusion in The Southeastern Librarian by an authorized editor of DigitalCommons@Kennesaw State University. For more information, please contact [digitalcommons@kennesaw.edu](mailto:digitalcommons@kennesaw.edu).

# **The Southeastern Librarian**

**Volume 49, No. 3 & 4, Fall/Winter 2001**

## **CONTENTS**

President's Column . . . . .	2
From the Editor . . . . .	3

## **Articles**

Testing the Design of a Library Information Gateway . . . . .	4
W. Bede Mitchell, Laura Davidson, Virginia Branch, Lynne Lysiak	
Public Access to Legal Resources on the Internet . . . . .	10
Alice M. McCanless	
Zen and the Art of Stacks Maintenance: Rethinking an Ancient Practice . . . . .	14
Margo Smith and Melissa Laning	
Surveying Privacy: Library Privacy Laws in the Southeastern United States . . . . .	18
Bryan M. Carson	

## **Southeastern Library Association**

People News . . . . .	26
SELA News . . . . .	29
Guidelines for Submission . . . . .	35
Editorial Staff & State Representatives . . . . .	36

Cover: Winter scene in the rural South.

---

*The Southeastern Librarian* (ISSN 0038-3686) is the official quarterly publication of the Southeastern Library Association, Inc. A subscription to the journal is included with the membership fee. The subscription rate is \$35.00, which includes institutional membership. Please send notice of change of address to: Lauren Fallon, SELA Administrative Services, 1438 West Peachtree Street, NW, Suite 200, Atlanta, GA 30309-2955, or email: [lfallon@solinet.net](mailto:lfallon@solinet.net). Send editorial comments and/or submissions to: Frank R. Allen, editor; University of Central Florida Library, P.O. Box 162666, 4000 Central Florida Blvd, Orlando, FL 32816-2666. Email: [fallen@mail.ucf.edu](mailto:fallen@mail.ucf.edu) or fax (407) 823-2529. Membership and general information about the Southeastern Library Association may be found at <http://www.seflin.org/sela>.

## President's Column

Best wishes for a Happy and Prosperous 2002!

It's hard to believe that we are beyond the mid point of this biennium. Our 2002 biennial conference, which will be held jointly with the South Carolina Library Association, will be held in less than ten months!

Planning is now underway with our South Carolina colleagues for what promises to be one of our best conferences yet. Historic Charleston, South Carolina is the perfect venue for this exciting first joint meeting of these two organizations. Be sure to mark your calendars and plan to join us in Charleston October 24-26, 2002.

I am pleased to announce the availability of the Ginny Frankenthaler Memorial Scholarship in Library Science, which is made possible through the generosity of the Frankenthaler Memorial Fund. During the past few months, I have had the pleasure of working with Bud and Barbara Frankenthaler to establish this \$2000 scholarship, which will be awarded annually. The purpose of the scholarship is to recruit beginning professional librarians who possess potential for leadership and commitment to service in libraries in the Southeastern United States. Betty Paulk, chair, and members of the Continuing Education & Professional Development Committee drafted the guidelines and application for the scholarship. Details concerning the scholarship are to be found elsewhere in this issue. In 2002, two scholarships will be awarded and then beginning in 2003, one scholarship will be awarded each year. I would like to thank the Frankenthalers for making available this wonderful opportunity.

Be sure to check the SELA Website for up to date information on the SCLA/SELA Conference. Information and an application for the Frankenthaler Scholarship are found there as well.

Traditionally, SELA has held a leadership workshop with the presidents of the member state library associations during the spring of the conference year. However, this year, the state of the economy has forced us to reconsider whether or not the workshop should be held. Taking into consideration severe travel budget reductions at many libraries, and to make it possible for more members to attend this year, we have decided to hold this year's workshop as part of the SCLA/SELA Conference in Charleston. Yet another reason for you to plan to attend. Additional information will be available soon.

-Barry B. Baker

## From the Editor

With this issue *The Southeastern Librarian* is pleased to announce that Catherine Lee and Phyllis Ruscella have joined the editorial board. Both will be assisting with manuscript review, copyediting and layout, and helping chart the future course of our journal. Of course the most important voices we need to hear are those of our members and subscribers. Please feel free to email me with your comments, suggestions, manuscripts and news submissions.

We are pleased to offer a varied slate of informative articles with this issue. In an excellent example of research with practical application, Bede Mitchell and co-authors share results of student testing of library web sites, employing a process called “user centered usability testing”. Web sites are increasingly being viewed as the gateway to our collections and services, thus making interpretation of our sites of great importance. Alice McCanless provides an informative overview of legal resources accessible through the web. The depth of information now publicly available via the Web is astounding. It also helps to know which ones are authoritative, hence the value of this article. Margo Smith and Melissa Laning share the results of a process improvement study at the University of Louisville on library stacks shelving. In spite of increasing expenditures for digital content, dollars spent for print materials still far outweigh that for electronic resources, giving credence to the often-overlooked issue of stacks maintenance. Lastly, Bryan Carson provides a brief history of library privacy laws in the Southeast. What better timing for this topic given the recent events of September 11, and the subsequent stepped-up investigative efforts of state and national law enforcement agencies.

I have received several invitations in recent weeks to review recently published monograph titles of regional interest. The editorial staff of *The Southeastern Librarian* is interested in resuming this practice as an integral part of the journal, and we need your help. If you would like to serve as a book reviewer for the journal please contact me and include your subject areas of interest.

Happy New Year to our members of the Southeastern Library Association and best wishes for a rewarding year in 2002.

Frank R. Allen  
fallen@mail.ucf.edu

# Testing the Design of a Library Information Gateway

W. Bede Mitchell, Georgia Southern University; Laura Davidson, Georgia Southern University; Virginia Branch, Appalachian State University; Lynne Lysiak, Appalachian State University

W. Bede Mitchell is Dean of the Library, Georgia Southern University. He can be contacted at [wbmitch@gsvms2.cc.gasou.edu](mailto:wbmitch@gsvms2.cc.gasou.edu)

---

In autumn of 1999, the library World Wide Web sites at Appalachian State University and Georgia Southern University had been in place for more than a year, and many of our library users reported that certain aspects of the sites' designs were confusing. In order to alleviate the confusion, librarians from our two universities decided to redesign the sites by determining the greatest sources of confusion. To do this, we adopted an intriguing approach to studying how patrons used our Web sites. The approach is called user-centered usability testing, and we first learned about it from a presentation by University of Arizona librarians at the 1999 ACRL Conference (Dickstein, Loomis & Veldof). In the University of Arizona project student participants were asked to find specified information by searching prototype Web interfaces. The students were to express their thought processes orally, and their comments were recorded along with the selections they made at the computer. Based on the test results, the University of Arizona librarians changed their Web site design by eliminating confusing terminology, making greater use of color and icons, and reorganizing the placement of information, graphics, and selections. By the end of the process the Arizona librarians had adopted a design that was dramatically different from their original conception of what would constitute a successful library Web site.

As a part of our effort to improve our Web site designs, we wanted to determine whether the features that worked well for the University of Arizona students would work equally well for the students at Appalachian State University and Georgia Southern University. We therefore employed sixteen Georgia Southern freshmen and sixteen Appalachian freshmen to test the Arizona, Georgia Southern, and Appalachian sites. We used the same questions that the University of Arizona librarians had used in their Web site development except for two

questions that addressed search capabilities which were not applicable to the Georgia Southern and Appalachian sites. Half of the students from both Georgia Southern and Appalachian tested the Arizona site, while the other half of the Georgia Southern students tested Appalachian's site and the remaining Appalachian students tested Georgia Southern's. This approach was intended to reduce possible bias due to students using an already familiar Web design. Student responses to each of the information requests were recorded and scored according to their effectiveness and efficiency as search options, and whether the students found a correct answer.

At the most basic level, the question we sought to answer was whether Georgia Southern and Appalachian students using the Arizona design would produce a significantly greater percentage of correct answers to the Arizona questions than the students using the Appalachian State and Georgia Southern sites. What we found was that a comparison of site scores for effective, efficient, and correct answers showed that users of the Arizona site yielded the best score in 22 out of 33 possibilities. A number of design considerations were identified when we analyzed the results and the comments the students made while testing the sites. These will be discussed as we examine each search the student volunteers were asked to perform.

## *"How would you find a book about affirmative action?"*

All three sites performed well in this question since each had easily identifiable links to their online catalogs. Arizona had a prominent icon which featured a book, while Appalachian's option stated "Books and more." Georgia Southern's option was simply worded "Library Catalog" but still led to more correct responses than did the other two sites. Freshmen seem to understand that catalogs list books, for they were not confused by the term in this question.

*“Find a journal or magazine article about the management trends in a business.”*

The Arizona site’s icon clearly represented magazines and newspapers with the word “articles” prominently displayed, making it easy for the students to find the best search option. The Appalachian and Georgia Southern sites fared less well. Appalachian’s site had no icons and used the term “periodical” which did not equate to “magazine” for many freshmen. Georgia Southern’s site referred to “databases” without referring to magazines, periodicals, or articles, which also did not suggest to many students that this was where to find articles.

*“Can you find out whether the library owns Sports Illustrated, the magazine?”*

Students found this search problematic regardless of which site they were testing. Many selected the same option they were supposed to choose for finding indexes to periodical articles. In this case, Arizona’s usually effective icons may have contributed somewhat to the confusion since the students were drawn to the images of the newspaper and magazine instead of to the disk, book, and video images that identified the correct selection “Catalogs of Books & More.” Appalachian also used the description “Library Catalog - Books and more” which was no more effective a guide without an icon, while Georgia Southern’s “Library Catalog” was the most succinct description of all. A common mistake at the Appalachian and Georgia Southern site was to select “Special Collections.” This term did not convey to the freshmen anything other than that this was where catalogs of materials besides books might be found. The “Special Collections” option was also chosen in desperation for other searches as well, indicating that this is not a good term to use on an opening library Web site screen if it is not further defined.

*“How would you find what your teacher has put on reserve for your class?”*

In this case the Arizona site did not have an icon associated with the word “Reserves,” which appeared in a column of other icon-less options called “Quick Links,” located to the left of the prominent icons. Nevertheless, the Arizona site was more successful than the Appalachian or Georgia Southern sites with this question. “Reserves” did not appear on the Appalachian site. Users were required to select either “Library Catalog - Books and More” or a drop-down box that had a different background

color and was located to the right of most of the options. The Appalachian drop-down box was almost never selected or investigated by students for any of the searches. This finding, along with the clearly negative results of the “Special Collections” link noted above, led Appalachian’s Web design team to replace “Special Collections” with a “Reserves” link shortly after the usability testing was completed. Although the word “Reserves” was an explicit option on the Georgia Southern site’s opening page, it was in a different font size with a different color background and to the far left of the section where most of the options were listed. The students treated “Reserves” and all the other options on the left as if they were a filigree design in the frame of a painting. It became clear that the students assumed that the content in the middle of the page was what mattered, and they rarely explored anything else, especially if it was in a different font, script, or color. In the case of the Arizona site, what may have mitigated the perimeter location problem was that the Quick Links were in close proximity to the icons, with the same color background, and underlined clearly as links in a font similar to that of the icons.

*“Find a Web site about the Yaqui Indians.”*

The Arizona site did far better on this search request since the site contained an icon clearly labeled “Web Search.” Neither the Georgia Southern nor the Appalachian sites offered a means of connecting directly to a Web search engine from the opening screen. In Appalachian’s case, students could choose “Search Engines” from the drop-down box but as noted above, almost no one examined the options in the drop-down box. A further source of confusion was the button labeled “Search.” Students optimistically chose this but in fact the option was for searching the Appalachian site, not the Web as a whole. Georgia Southern’s site did not offer any option for jumping to a Web search engine, requiring the testers to do what several other students did regardless of the site they were using: leave the library site without selecting anything and clicking on the “Search” option in Netscape or Explorer.



*“How would you find a newspaper article about gun control?”*

The newspaper in the icon for “Indexes to ARTICLES & More” made it very easy for testers of the Arizona site to find the best search option for this question. Users of the Georgia Southern and Appalachian sites encountered similar problems to those they had with question 2, such as misinterpreting “Special Collections” and not understanding that newspaper indexes would be found in “Databases and Periodical Article Indexes.” If the precise term, such as “newspaper,” “magazine,” or “video” did not appear in the description of an option, many students thought it was probably not to be found there. What made the Arizona icons so effective was that although they were not completely exhaustive in representing what could be found in each option, they came much closer to being so than the more traditional labels at the Appalachian and Georgia Southern sites.

*“If you need to check to see if you have any overdue books or any library fine, what would you do?”*

The Appalachian and Georgia Southern sites required the user to select “Library Catalog.” This is not intuitive to the typical freshman. The Arizona site did not have an icon for “Your Borrower Info,” but it was among the same “Quick Links” as was “Reserves.” After the usability testing results were known, Appalachian added an option, “View Your Library Record,” to the drop-down box.

*“How would you look to see if the library owns a video about Shakespeare?”*

Users of the Arizona site were helped by the video image prominently featured in the icon for “What We Own: Catalogs of Books & More.” The Appalachian and Georgia Southern users did not usually get to the online catalogs. They tended to choose other options such as “Special Collections” in the expectation that videos, as a non-book medium, would not be listed in the online catalogs, which they took to be for books only.

*“How would you find articles in an encyclopedia that is online?”*

This was especially easy for the Arizona site testers since the “Online Reference” icon included a book labeled “ENCY.” Users of the Appalachian and Georgia Southern sites had to know or deduce that an online encyclopedia would be found among the electronic databases.

*“Can you find the spring schedule of classes for the university?”*

All three sites used similar buttons linking to their respective university main pages; the Arizona site’s superior score might be attributable to its site being less cluttered than the Georgia Southern site and having a color background that was more prominent than Appalachian’s.

*“Assume you are taking a class in a subject completely new to you: business, psychology, or communications. When the professor assigns a paper to you, how would you find out about information resources in that subject area?”*

In this case the Georgia Southern site yielded the highest scores since the links for various subject resources were toward the top of the list of choices. The Arizona icon “Research by Subject” had confused some users in earlier questions because they thought it would enable them to enter a subject search term in a search box. Since it did not, some students had already written it off as a selection of little interest, and they did not discover that it was specifically designed to lead them to Web sites and electronic pathfinders organized by subject. Appalachian’s site had no cue for research guides on the opening screen, and students had trouble identifying “Help Desk” as the best choice.

#### **In Short:**

- Graphics attract students, and well-designed icons really work.
- Most students do not read long descriptive or explanatory text. One sentence is often their limit.
- Most students take icons literally. If an icon shows several items, they take it as an exhaustive list rather than a sample of items accessible at the site.
- Most students are drawn to color and especially to the center of the screen. Even links with colored backgrounds are less likely to be selected if they are located on the screen perimeter.
- Many terms whose meanings seem self-evident to us are actually library jargon, which students do not always understand. Examples include “special collections,” “reserve,” and “articles.”

- The student testers never used the help/tips options on any of the sites.
- Many students have difficulty finding information if the terms they seek are not on the Web site's opening screen.
- Many students do not fully understand the relationship of "articles" to "journals/periodicals/magazines/newspapers" or to "databases."
- Most students do not understand the need to select an electronic index, or know how to do so. They want to see a search box immediately. A long list of databases and database descriptions confuses them.
- The more complex and multilayered the site, the more it confuses students. They prefer the typically simple (albeit inexact) Web search engine.
- Drop-down menus are frequently ignored if the default text does not describe what the menus will display.
- If the Web page is too large to fit on one screen, most students do not scroll down to see what more is there.
- Caveats: None of this applies to all students, and we used only freshmen in this study.

The finding that came out most forcefully was that students want a white box into which they can type their search terms. If students have to go beyond two screens to find such a box, they become frustrated and impatient. One of the student testers' most common complaints was the difficulty in finding search boxes. This is in sharp contrast to their experience using Google and other Internet search engines.

Obviously much in usability tests depends on how the questions are worded. For example, if number 2 had asked students to find an article in a periodical, the term used at the Georgia Southern and Appalachian sites, rather than journal or magazine, as was used by Arizona, the comparative results might have been different. However, this does not undermine the lesson to be learned about the confusion that arises in Web sites, online catalogs, or user brochures by the use of jargon, which is imprecisely understood by many of our patrons.

The results of the study were extremely useful to Appalachian and Georgia Southern as we worked to improve our Web site designs. What we learned will be incorporated into our library use workshops. We plan to conduct usability studies as a continuous improvement process, and recommend that others do the same and

report their findings. The fact that the University of Arizona's design made it easier for Appalachian and Georgia Southern students to find information suggests that they have identified effective features which academic librarians would be wise to utilize.

We have appended a selected bibliography of useful articles, books, and Web sites about usability testing. We will conclude with a few tips for those who would like to try this technique.

### Conclusion

First, select questions that match your own usage. Here are some categories to consider:

- Finding things in the catalog: books, journals, other formats (like videos)
- Finding articles on a common topic (e.g., gun control)> Finding articles in a special format (e.g., newspaper articles or corporate annual reports)
- Utilizing special services offered by the library, such as regional cooperation agreements, personal information (e.g., circulation data), electronic reserves or electronic reference services, online research guides, online encyclopedias
- Locating commonly used non-library resources: class schedules, web search engines

Once you have selected your questions, make notes of what are the best and most acceptable answers to each question, especially if you are comparing Web sites or collaborating with another institution. This makes analyzing the success of the subject much easier. Also, print the questions on separate pieces of paper that you can give to your test subject. Having the written question for referral as they work helps students avoid spelling problems (e.g., Yaqui Indians) that would slow down the testing and have to be corrected.

Second, decide how much you want to investigate. Are you primarily interested in learning how people try to find information, or are you more interested in testing the functionality of a specific Web page? If the former, then more elaborate testing arrangements and longer spans of time are needed. For the latter, you can run through a list of twelve questions in a half hour or less.



We worked in teams of 2-3, recording comments on pre-recorded forms (see sample form of question form in the appendix), getting printouts of Web pages visited, and debriefing after the subject left, question by question. To do 12 this way took us 1-to-1.5 hours for each subject.

Having more than one observer is useful because everyone sees and hears different things. Having a non-librarian on the team can help you catch jargon problems. Allow time to debrief immediately after you have observed your subject because otherwise you will find your observations are not very easy to reconstruct later. Using standardized forms to record your debriefing and observations is also helpful as you compare the different sessions. The University of Arizona has posted their forms and scripts on their Web site (Dickstein, Mills, and Clairmont). Our forms may be found

at our Web page devoted to this usability test project, <http://www2.gasou.edu/library/usability/>. Most people who have employed usability testing techniques have concluded that you do not require very many subjects to identify the common failure patterns. For us, eight subjects per site were sufficient. Consider offering some kind of reward to students who participate in longer sessions, such as a bookstore gift certificate.

Finally, let your users know about your project and how you are employing the results. People will appreciate your efforts to make their research more effective and efficient, and you may find that volunteers will be even easier to come by when you conduct future tests.

## References

Dickstein, R., Loomis, A., & Veldof, J. (1999, April). The User is the Expert: Experiences at Three Universities Using Usability Studies to Inform Gateway and Tutorial Web Designs. Panel discussion at the Association of College and Research Libraries Ninth National Conference, Detroit, MI.

Dickstein, Ruth; Mills, Vicki; Norlin, Elaina; and Spesard, Gene. 1999. "Usability Tests and the User-Friendly WebSite: The University of Arizona Experience."  
<http://dizzy.library.arizona.edu/library/teams/access9798/asu/index.htm>

## Selected Bibliography

- Barfield, Lon. 1993. *The User Interface: Concepts & Design*. New York: Addison-Wesley.
- Caswell, Jerry V. 1997. "Building an Integrated User Interface to Electronic Resources." *Information Technology and Libraries*, 16 (2): 63-72.
- Chisman, Janet; Diller, Karen; and Walbridge, Sharon. 1999. "Usability Testing: A Case Study." *College and Research Libraries*, 60 (6): 552-569.
- Connaway, Lynn Silipigni; Johnson, Debra Wilcox; and Searing, Susan E. 1997. "Online Catalogs from the Users' Perspective: The Use of Focus Group Interviews." *College & Research Libraries*, 58 (5): 403-420.
- Dickstein, Ruth; Mills, Vicki; and Clairmont, Michelle. 1997. "Testing for Usability in the Design of a New Information Gateway." *Living the Future2 Conference*, Tucson, AZ, April 1997.  
<http://dizzy.library.arizona.edu/library/teams/access9798/lft2paper.htm>
- Dickstein, Ruth; Mills, Vicki; Norlin, Elaina; and Spesard, Gene. 1999. "Usability Tests and the User-Friendly WebSite: The University of Arizona Experience."  
<http://dizzy.library.arizona.edu/library/teams/access9798/asu/index.htm>
- Dumas, Joseph C.; and Redish, Janice C. 1993. *A Practical Guide to Usability Testing*. Norwood, NJ: Ablex Publishing.
- Eliassen, Karen; McKinstry, Jill; Fraser, BethMabel; and Babbitt, Elizabeth P. 1997. "Navigating Online Menus: A Quantitative Experiment." *College & Research Libraries*, 58 (6): 509-516.
- Garlock, Kristen, and Piontek, Sherry. 1999. *Designing Web Interfaces to Library Services and Resources*. Chicago: American Library Association.
- Head, Alison J. 1999. "Web Redemption and the Promise of Usability." *Online*, 23 (6) (November/December): 21-32.
- Kuniavsky, Mike. 1998. "Why User Testing Is Good." *Hotwired*. (April):  
[www.hotwired.com/webmonkey/98/14/index3a.html](http://www.hotwired.com/webmonkey/98/14/index3a.html)
- Martin, Alexander, & Eastman, David. 1996. *The User Interface Design Book*. New York: Wiley & Sons.
- Nielsen, Jakob. 2000. *Designing Web Usability: The Practice of Simplicity*. Indianapolis: New Riders Publishing.
- Nielsen, Jakob. useit.com: Jakob Nielsen's Website. <http://www.useit.com>
- Rubin, Jeffrey. 1994. *Handbook of Usability Testing: How to Plan, Design, and Conduct Effective Tests*. New York: Wiley.
- Spool, Jared M. 1999. *Web Site Usability: A Designer's Guide*. San Francisco: Morgan Kaufmann
- Veldof, Jerilyn; Prasse, Michael J.; and Mills, Victoria A. 1999. "Chauffeured by the User: Usability in the Electronic Library." *Journal of Library Administration*, 26, (3/4): 115-140.

Page Intentionally Left Blank

# Public Access to Legal Resources on the Internet

Alice M. McCanless

Alice M. McCanless is Reference Librarian  
Clayton College & State University Library,  
Morrow, GA. She can be contacted at  
[alicemccanless@mail.clayton.edu](mailto:alicemccanless@mail.clayton.edu)

---

In the not so distant past, before the Internet, doing legal research necessitated access to either a substantial law collection or one of the expensive legal databases, Lexis-Nexis or Westlaw. That limited legal reference to law librarians, some special librarians and reference librarians at large university or public libraries. The Internet has changed all of that, giving any library with an Internet connection access to a wealth of current law, especially at the state and federal level.

This article is based on a presentation at the Joint Conference of the Georgia Council of Media Organizations and Southeastern Library Association on October 12, 2000. The purpose was to present free legal web sites available online in an organized manner. It included an annotated outline of legal primary sources divided into three sections, with a fourth section for miscellaneous secondary legal materials, such as dictionaries and directories. All of the links provided are to free web sites, usually maintained by government agencies or law schools. The criteria for inclusion were that the web sites be from a reliable source, such as a law school and easy for the non-lawyer to use. As with all sites on the Internet, there are no guarantees that these addresses will be valid in the future, but the great majority of them have been stable over the past few years.

For those who are new to legal research or need to update skills in this area, there are several books on the topic, including the three titles listed in the References below, by Coco, Cohen and Olson. Also, state and local library associations often offer workshops on how to do legal research. For a more indepth outline, check out "Legal Reference: An Annotated Outline with Internet Links" at:  
<http://adminservices.clayton.edu/mccanless/legal.htm>.

Library personnel providing legal reference must understand the unauthorized practice of law (UPL.) A librarian may show a patron where the legal materials or sites are and how to use them. Beyond that, the patron needs to decide on his or her own whether the laws they find pertain to their information needs. An attempt to interpret or explain a law constitutes the unauthorized practice of law and may result in the librarian being sued. However, guiding the patron to a specific legal citation, with the title, volume, page, etc., or finding it for them is acceptable. For more information on UPL, the article by Arant offers some guidelines.

**I. LEGISLATIVE LAW** - is passed by an elected body, such as a legislature, board of commissioners or council.

A. **Federal** - available online at **Thomas** (<http://thomas.loc.gov>) the Library of Congress site for U.S. Congress. Contains laws made by the U.S. Congress with input from the U.S. President. A bill passes the House of Representatives, then the Senate, before being sent to the President. The President may sign the bill into law; or veto the bill, requiring a 2/3 Congressional vote to override the veto; or do nothing for ten days, in which case the bill becomes law automatically unless Congress adjourns during those ten days; then the bill is automatically vetoed (pocket veto.) These laws are published as:

1. **Slip Laws** - the first official text of a new law (*online at Thomas.*). They are numbered chronologically, in the order passed for each two-year congressional session. Example: *Public Law 81-1* was the first law passed by the 81st session of Congress.

2. **Statutes at Large** - bound slip laws (online at **Thomas**) for each session of Congress, published by the Government Printing Office (GPO.)
3. **United States Code (U.S.C.)** - (<http://uscode.house.gov> or [www.nsulaw.nova.edu/library/ushouse/16.htm](http://www.nsulaw.nova.edu/library/ushouse/16.htm)) public laws codified. The statutes are arranged by subject order, into 50 titles, which are divided into chapters and subdivided into sections.

**B. State** - follows a similar process to federal statutes and codes for most states. For example, in Georgia the legislative body is called the General Assembly, a bicameral body with a Senate and a House of Representatives.

1. **Statutes** – ([www.prairienet.org/~scruffy/f.htm](http://www.prairienet.org/~scruffy/f.htm) or [www.washlaw.edu/uslaw/statelaw.html](http://www.washlaw.edu/uslaw/statelaw.html))
2. **Uniform Laws** - laws proposed by the **National Conference of Commissioners on the Uniform State Laws**,
  - a. <http://law.upenn.edu/bll/ulc/ulc.htm> which encourages all states to adopt these laws to promote uniform legislation on certain topics.
  - b. **a. Uniform Commercial Code** - adopted by virtually every state. The **Uniform Commercial Code Locator** (<http://www.law.cornell.edu/uniform/ucc.html>) links to state statutes that correspond to Articles of the **Uniform Commercial Code**.
  - c.
  - d.

### C. Local Codes and Ordinances

<http://www.municode.com> / under **Free Resources - Online Codes**) county and city codes passed by the local legislative bodies, usually elected councilmen or commissioners. At this time, some are posted on the Internet.

**II. ADMINISTRATIVE LAW** - rules, regulations, reports or opinions promulgated by government agencies under the aegis of the executive branch.

**A. Federal**- the rules and regulations passed by federal agencies are found in the **Code of Federal Regulations (CFR)**

[www.access.gpo.gov/su\\_docs/index.html](http://www.access.gpo.gov/su_docs/index.html)

The CFR is the annual collection of executive-agency regulations published in the daily Federal Register, including all the previous regulations still in effect. They are arranged in subject order, most corresponding to the same fifty titles as the United States Code.

**B. State**-([www.prairienet.org/~scruffy/f.htm](http://www.prairienet.org/~scruffy/f.htm))

**C. City and County** - check with city or county clerk.

**III. CASE LAW** is the opinion or decision of a court. The decision is the final result of the court trial. The judicial branch interprets or construes the laws made by the legislative and executive branches. To decide a case, judges abide by the decisions made by previous courts, either in their jurisdiction or a superior jurisdiction. This is called "stare decisis" and is the basis of our common, or case law.

### A. Federal

(<http://serv5.law.emory.edu/FEDCTS/>)

#### 1. U.S. Supreme Court – “court of last”

the Supreme Court is the final court of appeals in the United States. As the final arbiter of interpreting the Constitution, it decides less than 100 cases a year, leaving the final appeals of many issues to the federal and state appeal courts.

#### 2. U.S. District & Circuit Courts -

have a limited jurisdiction that includes the interpretation of the U.S. Constitution and the federal statutes, or cases that involve citizens from different states.

### B. State Courts

(<http://guide.lp.findlaw.com/11stategov/>) - interpret state law. Trial courts are the first level and depending upon the state, there are one or more levels of appellate courts. The courts go by different names in different states; for example, in New York the general trial court is called the Supreme Court. The decisions of many state appellate courts can be found online but currently it is less common to find trial court decisions online.

#### **IV. SECONDARY ONLINE LEGAL RESOURCES**

- the online resources listed below are limited and cannot replace the commercial subscriptions available via Lexis-Nexis, Westlaw, etc. but, they do provide free, public access to some useful resources.

##### **A. Legal Periodicals** - law reviews and professional legal journals

<http://www.usc.edu/dept/law-lib/legal/journals.html>)

1. **Contents Pages from Law Reviews, etc.** (<http://tarlton.law.utexas.edu/tallons/content/search.html>) updated daily, this keyword-searchable database contains the tables of contents of more than 750 law reviews and journals in the University of Texas Law School's Tarlton Law Library Collection, current three months only.
2. **Legal Periodicals** - (<http://stu.findlaw.com/journals/>) Electronic full text of a few law reviews and other scholarly or professional publications that pertain to law.
3. **Basic Legal Citation, 2000-2001** - aka the "Bluebook" (<http://www.law.cornell.edu/citation/citation.table.html>) the standard for how to cite legal resources.

##### **B. Dictionaries** - Online legal dictionaries are country specific. For example, the legal term "voir dire" is defined differently in Canada than the United States, so it is important to verify the online legal dictionary's country of origin.

1. **Real Life Dictionary of Law** (<http://dictionary.law.com>)
2. **Merriam-Webster's Dictionary of Law** - on FindLaw site (<http://dictionary.lp.findlaw.com/>)

##### **C. Lawyers.com** (<http://www.lawyers.com/>) offers the layperson an online version of the Martindale-Hubbell Law Directory to help the consumer to find a lawyer, learn about the law and what legal options are available.

While the Internet enables the library with few legal materials to access a multitude of free legal resources, it is not a replacement for a law library. The Internet is a good starting place for legal research; there are three general sites you may want to check out. **American Law Sources Online** ([www.lawsource.com/also](http://www.lawsource.com/also)) describes itself as "a comprehensive, uniform, and useful compilation of links to freely accessible on-line sources of law for the United States, Canada, and Mexico." Helpful features on this site are the tutorials for first time users. **First Gov** (<http://firstgov.gov>) is another, "one-stop" starting point for federal government sites, including legal. A nice feature is that it includes links to state sites as well, so that a search for "code" in the state of Georgia resulted in a link to Georgia's Official Code - Unannotated. **Findlaw** (<http://findlaw.com>) is probably the most known of the three, having been around for several years. At one time it was unwieldy to use, but this site has evolved to become user friendly and easy to maneuver. Findlaw is a good example of how sites on the Internet continue to evolve, with better content and newer navigation aides. As exciting as these developments are though, they cannot replace the fact that there will always be situations that require a legal professional. For times like these it is a good idea to have the phone numbers of groups, such as the local bar association, that offer a lawyer referral service.



## References

Arant, Wendi & Carpenter, Brain B. "Where is the line? Legal reference service and the unauthorized practice of law (UPL) some guidelines that might help." *Reference & User Services Quarterly* 38 (3) (Summer 1999): 235-9.

Coco, Al. *Finding the Law: a Workbook on Legal Research for Laypersons*. Buffalo, N.Y.: William S. Hein & Co., 1986.

Cohen, Morris, et. al. *How to Find the Law*. St. Paul, MN: West Publishing Co., 1989.

Lance, Kathleen. "Basic legal resources: making sense of the literature of the law." *Reference Services Review* 21 ( 1993): 91-6.

McCanless, Alice. *Legal Reference: an Annotated Outline with Internet Links*. [online] Morrow, GA: Clayton College & State University, Library, 2000. [cited 18 June 2001]. Available from World Wide Web: (<http://adminservices.clayton.edu/mccanless/legal.htm>)

Olson, Kent C. *Legal Information: How to Find It, How to Use It*. Phoenix: Oryx Press. 1999.

### Are you on the SELA Listserv?

If not you need to be! This is an excellent way to stay informed on issues of interest to SELA members and librarians across the south. To subscribe:

1. Send e-mail to: [listserv@news.cc.ucf.edu](mailto:listserv@news.cc.ucf.edu)
2. Leave the subject line blank,
3. In the body of the message, type: subscribe SELA [then type in your name without brackets]
4. To send a message to the listserv, send mail to [SELA@NEWS.CC.UCF.EDU](mailto:SELA@NEWS.CC.UCF.EDU)

Instructions can also be found on the SELA web site at: <http://www.seflin.org/sela/listserv.html>. For technical listserv questions, please contact Selma Jaskowski <[selmaj@mail.ucf.edu](mailto:selmaj@mail.ucf.edu)>.

# **Zen and the Art of Stacks Maintenance: Rethinking an Ancient Practice**

Margo Smith and Melissa Laning

Margo Smith is Content Access Team member with the Ekstrom Library, University of Louisville and may be contacted at [margo.smith@louisville.edu](mailto:margo.smith@louisville.edu).

Melissa Laning is Assessment Team leader, Ekstrom Library and may be contacted at [melissa.laning@louisville.edu](mailto:melissa.laning@louisville.edu).

---

The University of Louisville Libraries' 2000-2001 Strategic Plan includes specific objectives related to improving the delivery of materials to users. This broad objective covers many strategies ranging from increasing electronic access, improving web page design, using vendor-supplied cataloging records and reallocating funds to high demand subject areas. Undergraduate user demand for monographs remains high. Therefore, reducing the number of days required to shelve new acquisitions and to re-shelve circulated items is an important objective for the library. Leo Egghe notes that, "Shelving and keeping library shelves in order is very important and is basic for the use of a library."<sup>1</sup> A later study describes a user satisfaction survey that points to the continued importance of shelving. The authors found that among five issues with gaps between users' expectations and user satisfaction, "materials in their proper place" ranked number one.<sup>2</sup> This article addresses the organizational and workflow changes implemented by the University of Louisville Libraries to achieve improvements in shelving speed and accuracy.

## **Background**

Anecdotal evidence from user comments in the suggestion box and from complaints sent to the University Librarian indicated that shelving was an area of serious concern for the users of the Ekstrom Library, the largest in the library system of 1.7 million volumes. Improvements were necessary. Past attempts to address the problem had some impact, but it was clear that there was more work to do. In 1997, there

were three separate library units involved in the shelving process. The Stacks Maintenance unit, consisting of one supervisor and 9-12 student assistants, was the primary organizational unit responsible for shelving. The Circulation Department and the Shelf Preparation unit were the other important players in the overall workflow. Prior to 1997, stacks responsibilities were assigned Circulation Department personnel who had to juggle shelving with other duties.

Moving shelving out of the Circulation Department allowed Stacks Maintenance personnel to focus their efforts solely on that function and, as a result the condition of the book stacks improved. An unintended consequence of the move, however, was that the unit became isolated from other units in the library. Communication among the various stakeholders was even more limited than before and problems ensued when "surprise" projects were initiated in one place that had an impact on other units elsewhere.

Despite the creation of separate Stacks Maintenance unit, data from a 1997 exit survey confirmed that users were still not completely satisfied with their ability to locate material in the stacks.<sup>3</sup> The availability of this data and the arrival of the new University Librarian in 1997 provided the incentive to implement changes in the organization, workflow and supervision of the Stacks Maintenance unit.

## **Administrative & Organizational Changes**

The University Libraries began a reorganization process in 1996, providing an opportunity to re-examine all areas of the library system. The self-assessment inherent in the reorganization process created a climate conducive to change in general, making it easier to address problems in the Ekstrom Library Stacks Maintenance unit. The first step was to make a significant organizational change. Oversight for the unit was transferred to the supervisor in Content

Access (also known as Technical Services) who also had responsibility for the Shelf Preparation unit. This brought two of the three relevant units under the same roof, literally and figuratively, since the staff was physically moved from a separate office in the stacks to a location in the Content Access area. The loss of independent status caused some concern for the staff and students in Stacks Maintenance, but the benefits of the close working relationships were so clear that the concerns subsided fairly quickly. Communication between the Stacks Maintenance and the Shelf Preparation units immediately improved which resulted in productive changes in procedures.

For example, Stacks Maintenance began returning book carts directly to Shelf Preparation as soon as new materials were shelved and Shelf Preparation began to alert Stacks about large numbers of new items in the same call number area allowing for better-planned shifts or alternate storage arrangements. In retrospect, the simplicity of these changes revealed how lack of communication hinders even the most obvious procedural improvements.

### Workflow Changes

To complete the communication chain, the supervisor with oversight for Shelf Preparation and Stacks Maintenance units created a sub-team that included personnel from the Circulation Department. Since further organizational moves were unlikely, this quasi-committee arrangement allowed each group involved to finally share the big picture on the movement of books throughout the building. Having the three groups working so closely together enabled a much more thorough review of the overall workflow than had been undertaken in the past twelve years. The review resulted in four significant changes in the workflow. Because speeding up the re-shelving rate was a high priority for the combined group, they first worked to identify the sources of all in-coming books to the sorting stations in the stacks and the places where books stalled-out en route. Workflow revisions to streamline those stalling points were made. For example, Circulation now “rough-sorts” discharged books onto carts by call numbers that shelve on the 3<sup>rd</sup> and 4<sup>th</sup> floors and in other sub-shelving units. This allows Stacks

Maintenance personnel to spend less time sorting and more time on shelving.

Secondly, the group identified unnecessary duplications of effort that had been essentially invisible in the past. For instance, newly processed books were no longer “discharged” by the Circulation Department staff but rather went straight to the sorting stations from the Shelf Prep unit, reducing the time for new books to get to shelve from six to two days. The broad overview also helped to pinpoint fluctuations in staffing needs over a semester. Based on the sub-team’s workflow analysis, staff members and student assistants from the other two areas were deployed to the Stacks Maintenance unit during periods of heavy re-shelving, such as the end of the semester. During a large periodicals transfer project, stacks maintenance students assisted with attaching revised spine labels.

Finally, the sub-team looked closely at the workflow in the Shelf Preparation area since it is one of the most labor-intensive and “procedure-intensive” areas in the flow of books. The group believed that this was another area where re-thinking could produce greater efficiencies and quicker processing rates. One outcome of their discussion was that, like adopting the rough-sort change in Circulation, Shelf Prep now rough-sorts newly processed books by 3<sup>rd</sup> and 4<sup>th</sup> floor call numbers before sorting the books in perfect order.

### Supervisory Changes

In addition to speed of shelving, a second important objective for improving the condition of the stacks was greater accuracy of shelving. A study conducted at Brigham Young University indicated that accuracy can be improved through well-defined job standards and focused supervisory feedback.<sup>4</sup> Unfortunately, most library employees consider shelving one of the least appealing tasks in academic libraries and the task is usually relegated to student assistants, who do not have a strong appreciation for its importance. As a result, this critical aspect of library service moves to the bottom of everyone’s priority list and receives inadequate attention until enough complaints are registered.

A crucial step toward improvement of the stacks in Ekstrom Library was to provide stable supervision. A permanent staff position was assigned to the shelving unit, whereas supervision had been previously shared by a group of library staff with other, multiple responsibilities. The library-wide reorganization mentioned above provided an ideal context for the Stacks Maintenance's move to the Content Access Team (also known as Technical Services). Another permanent staff position was added to provide supervision during all hours that students were on the job. The new staffing arrangement provided more consistent training and oversight than had been possible in the past. An additional change was a conscious attempt to hire a supervisor who had not previously worked in the Stacks Maintenance unit or the Circulation Department. Previous supervisors had been promoted from within the organization and while this approach may have shortened training time, it sacrificed a fresh perspective.

Today, the primary goals of the Stacks Maintenance supervisor and assistant are to ensure accurate and efficient shelving. They have developed and refined procedures to accomplish these goals. A critical aspect in achieving these goals is student training. The students are given an overview of employment policies, tour of the library and attend a library-wide workshop on the importance of patron service. A self-paced tutorial on the Library of Congress classification is combined with supervised shelving sessions to develop accuracy. The students then shelve books with flags that are checked by the supervisor. Once the students are trained the supervisors continue to monitor and evaluate their shelving.

To monitor accuracy, the supervisors conduct unannounced shelving checks every three to four weeks and use their findings to retrain students who make recurring shelving errors. The students are assigned a cart of books and are required to read the entire section where the books are shelved. All students are required to shelf-read twice per week in areas of high-circulating call numbers. This approach to shelf-reading is validated in Abraham Bookstein's article where he notes that, "Those books that are heavily used will more likely to be mishelved than lightly used books, and once mishelved, more likely to result in frustration."<sup>5</sup> To monitor efficiency, the supervisors routinely

track ten books each to determine the time between the day the book is discharged and the day the book is shelved.

The supervisors have found, much like Curtis L. Kendrick reports in his article, "Performance measures of shelving accuracy", that the performance check program is a minor inconvenience.<sup>6</sup>

## Results

The last in-house user survey at the University of Louisville Libraries was conducted in 1999, so recent input about shelving is not available from patrons. There is, however, evidence that improvement has occurred. The book searcher from the Circulation Department reports that there are many more successful searches than there were 18 months ago, i.e., books searched are found on the shelf where they are expected. The end of the semester shelving backlog is virtually non-existent. This year, one week after classes ended, there were two carts of books in the sorting station to be re-shelved instead of 15 carts that accumulated the previous year. Most importantly, there have been no complaints to the University Librarian's office about shelving during the past year.

## Conclusion

Since undergraduate demand for books remains high at the University of Louisville, specific objectives related to the Libraries' strategic plan included improving the delivery of material to users. Increased speed and accuracy of shelving books was one focus for improving the delivery of materials. The improvement of speed and accuracy of shelving books was achieved by a combination of organizational, workflow, and supervisory changes. These changes provided a framework for enhanced communication among the relevant organizational units and improved accountability for the staff and student assistants in those units.

The positive results that have been achieved thus far reflect the emphasis of the Libraries' strategic plan on patron service and the University Librarian's expectation that all activities will support that end.

## References

1. Egghe, Leo. 1996. "The amount of actions needed for shelving and reshelving," *Library Management*, 17 (1): 18-24.
2. Harwood, Nicola and Bydder, Jillene. 1998. "Student expectations of, and satisfaction with the university library," [University of Waikato, New Zealand], *Journal of Academic Librarianship*, 24 (2) (March): 161-71.
3. University of Louisville. Libraries. Assessment & Resources Planning Team. *User Survey Results, Fall 1997*. <http://uofl.louisville.edu/library/docs/fall97survey.html>
4. Sharp, S. Celine. 1992. "A library shelve's performance evaluation as it relates to reshelving accuracy," in *Access services in libraries: new solutions for collection management*, New York: Haworth Press: 177-192.
5. Bookstein, Abraham. 1973. "Models for shelf-reading," *Library Quarterly*, 43 (2) (April): 126-37.
6. Kendrick, Curtis L. 1991. "Performance measures of shelving accuracy," *Journal of Academic Librarianship*, 17 (1) (March): 16-18.

## Nominations sought for Outstanding Southeastern Library Program Award

SELA is now accepting nominations for the SELA Outstanding Southeastern Library Program award. The purpose of the award is to recognize an outstanding program of service in an academic, public, school, or special library in a Southeastern Library Association member state. The winner will be announced at the Bi-Annual Meeting: Joint Conference with South Carolina Library Association, Charleston, SC, October 24-26, 2002. Forward nominations to Bob Fernekes at address below by no later than [April 15, 2002](#).

### Criteria:

- The program of service must take place during the biennium in which the nomination is made.
- Any academic, public, school, or special library in the member states of the SELA may be cited for an outstanding program of service. Programs of service may include, but are not limited to library activities, projects, or programs.
- The minimum time span for a nominated library program must not be less than three months, including the development and evaluation stages of the program.
- The person making the nomination must be a member of SELA.
- Nomination applications for the award should include the following information:
  - SELA member's name
  - Library's name, address, telephone number
  - Beginning and ending dates of the program
  - Narrative statement describing the program
    - Its goals and steps to achieve the goals;
    - Special contribution of the program/project
  - Supporting documents related to program publicity

<p>Bob Fernekes, Zach S. Henderson Library, Georgia Southern University P.O. Box 8074, Statesboro, GA 30460-8074, Email: <a href="mailto:fernekes@gasou.edu">fernekes@gasou.edu</a> Phone: 912-486-7822; Fax: 912-681-0093</p>
--



# Surveying Privacy: Library Privacy Laws in the Southeastern United States

Bryan M. Carson, J.D., M.I.L.S

Bryan M. Carson is Coordinator of Reference and Instructional Services; Western Kentucky University and can be reached at [bryan.carson@wku.edu](mailto:bryan.carson@wku.edu)

---

You are working at the circulation desk one rainy night when a man walks into the library. He comes up to the desk and shows you a police badge. The officer explains that he is investigating a suspected Methamphetamine manufacturer, and he would like to find out whether the person has checked out any books on manufacturing Meth. You inform the officer that your professional ethics and the library's policy demand the privacy of circulation records. In return, the officer explains that if you do not turn over the records, he will arrest you as an accessory to the crime. What do you do? And what are your rights?

According to the American Library Association, library records should be kept private and confidential.<sup>1</sup> Most states also have laws that protect the confidentiality of library records. This article will discuss the library confidentiality laws of the Southeastern United States, as well as the Family Educational Rights and Privacy Act (FERPA), and the USA PATRIOT Act (popularly known as the anti-terrorism statute). The jurisdictions whose laws will be discussed in this article include:

Alabama  
Arkansas  
District of Columbia  
Florida  
Georgia  
Kentucky  
Louisiana  
Mississippi  
North Carolina  
South Carolina  
Tennessee  
Virginia  
West Virginia.

In June of 1987, agents from the Federal Bureau of Investigation visited the libraries at Columbia University. According to Paula Kaufman, Director of Academic Information Services at Columbia University, the FBI agents "explained that they were doing a general 'library awareness' program in the city and that they were asking librarians to be alert to the use of their libraries by persons from countries 'hostile to the United States, such as the Soviet Union' and to provide the FBI with information about these activities."<sup>2</sup> In other words, the FBI was asking librarians to inform the FBI about which materials were being used by specific patrons.

The uproar that the "Library Awareness Program" created was enormous. Following the FBI's visit to Columbia, more accounts of FBI "interviews" began to emerge. Apparently, during the years 1986 and 1987, the FBI had visited a number of institutions of higher education across the country, including the libraries at New York University, University of Maryland, SUNY Buffalo, George Mason University, and the universities of Cincinnati, Michigan, Wisconsin, and Utah. Public libraries were also included in the "program."<sup>3</sup>

The "Library Awareness Program" turned out to be a public relations nightmare for the FBI. Questions were asked in Congress, and the issue of privacy related to library circulation was discussed on the front page of the New York Times.<sup>4</sup> Librarians suddenly were being interviewed by the media about their privacy policies, and librarians protected their patrons' confidentiality. According to Vartan Gregorian, President of the New York Public Library, "We consider reading a private act, an extension of freedom of thought. And our doors are open to all. We don't check IDs."<sup>5</sup>

## The FBI Library Awareness Program



Many of the states have adopted library privacy laws in the wake of the FBI's library fiasco. Some of these laws relate only to public libraries, and others cover various types of libraries. Librarians need to know about the privacy laws in their own states in order to respond to questions from law enforcement officials and the media, as well as to respond to Freedom of Information/Open Records requests. Every library worker needs to be aware of the laws regarding what type of library is covered, what kinds of library records are private, and what happens in the event of a disclosure of information.

What are library records? The Tennessee privacy law is typical of the laws of most states in the region. According to the Tennessee Code Annotated, "'Library record' means a document, record, or other method of storing information retained by a library that identifies a person as having requested or obtained specific information or materials from such library. 'Library record' does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general."<sup>6</sup>

Many of the code provisions in the Southeastern region have items in common. There are three kinds of legal provisions for library privacy in the Southeast: statutory law, rules of evidence, and Attorney General opinions. Most of the states have provisions in their statutes for library privacy. Georgia's provision lies within the state's Evidence Code. Kentucky's provision for library privacy is found in an Attorney General opinion. Arkansas and the District of Columbia have the most detailed code provision, while Mississippi has the briefest statute.

### What Type of Library is Covered

The library privacy law in Tennessee is typical of such laws in the rest of the Southeastern states. Tennessee law applies confidentiality provisions to:

- (A) Libraries that are open to the public and established or operated by:
  - (i) The state, a county, city, town, school district or any other political subdivision of the state;
  - (ii) A combination of governmental units or authorities;
  - (iii) A university or community college; or
- (B) Any private library that is open to the public.<sup>7</sup>

Most of the other states in the Southeast also apply their library privacy laws to a variety of types of organizations. South Carolina states that the records of "users of public, private, school, college, technical college, university, and state institutional libraries and library systems, supported in whole or in part by public funds or expending public funds, are confidential information."<sup>8</sup> Alabama maintains that records from "public, public school, college and university libraries of this state shall be confidential."<sup>9</sup> The statute in Arkansas pertains to public, school, academic, and special libraries, as well as library systems supported entirely or partially by public funds.<sup>10</sup> The language of the Louisiana statute is almost identical to that from Arkansas and covers all public, school, academic, and special libraries which are funded in whole or part, as well as the State Library of Louisiana.<sup>11</sup> Kentucky's Attorney General opinions apply to all libraries supported at least 25% by public funds. These Kentucky decisions are discussed later in this article.

Although provisions throughout the region cover public libraries, only the statutes of West Virginia, Florida, and the District of Columbia contain wording that applies specifically to public libraries.<sup>12</sup> D.C.'s statute is more extensive than any other jurisdiction, but it only mentions the public library and the Board of Library Trustees.<sup>13</sup> The statutes of Georgia, Mississippi, and Virginia do not contain a definition of the word "libraries." These statutes are broadly worded so that they could apply to libraries of any type.

## What Type of Information is Private

The states of the Southeast are generally in agreement that registration and circulation records are confidential. The difference among the statutes is that some states also protect additional services, while others do not. Georgia's Evidence Code deals with "Circulation and similar records of a library,"<sup>14</sup> but does not mention issues such as reference transactions. Alabama,<sup>15</sup> Florida,<sup>16</sup> and West Virginia<sup>17</sup> are similarly focused on registration and circulation records. Virginia deals with "Library records which can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed."<sup>18</sup> Louisiana similarly discusses records which indicate "which of its documents or other materials, regardless of format, have been loaned to or used by an identifiable individual or group of individuals."<sup>19</sup> Louisiana does give additional protection to "records of any such library which are maintained for purposes of registration or for determining eligibility for the use of library services."<sup>20</sup>

On the other hand, several states protect not only the circulation records, but also books used within the library. For example, the library privacy statute for Washington, D.C., applies to materials that are "requested, used, or borrowed" from the library.<sup>21</sup> The law in Mississippi requires that records "which contain information relating to the identity of a library user, relative to the user's use of books or other materials at the library, shall be confidential."<sup>22</sup> The language of these laws may be broad enough to include requests for reference assistance.

South Carolina's statute describes confidential information as including: "Records related to registration and circulation of library materials which contain names or other personally identifying details regarding the users."<sup>23</sup> This statute also goes on to explain that "Records which by themselves or when examined with other public records would reveal the identity of the library patron checking out or requesting an item from the library or using other library services are confidential information."<sup>24</sup> For example, sign-up sheets for computer use would be included under this provision.

According to the Tennessee statute, "No employee of a library shall disclose any library record that identifies a person as having requested or obtained specific materials, information, or services or as having otherwise used such library."<sup>25</sup> North Carolina maintains that: "A library shall not disclose any library record that identifies a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library."<sup>26</sup> Tennessee and North Carolina provide library patrons with greater privacy rights which cover a broader range of materials than the laws in many of the Southeastern states.

The most detailed statute on the issue of information privacy comes from Arkansas. The Arkansas statute is very precise about which types of library services are confidential. The Arkansas statute answers many of the questions that are raised by other laws in the region, and provides a greater amount of protection to the library patron. The statute reads:

'Confidential library records' means documents or information in any format retained in a library that identify a patron as having requested, used, or obtained specific materials, including, but not limited to, circulation of library books, materials, computer database searches, interlibrary loan transactions, reference queries, patent searches, requests for photocopies of library materials, title reserve requests, or the use of audiovisual materials, films, or records.<sup>27</sup>

In addition to state library privacy laws, student records at colleges and universities are also covered by a Federal statute, the Family Educational Rights and Privacy Act (FERPA). FERPA prohibits the release of student records without the express written consent of the student involved. Although FERPA does not specifically mention library records, many institutions have interpreted the statute as including library records. As a result, librarians at academic institutions have an additional weapon to use in the fight against disclosure.<sup>28</sup> FERPA applies to all institutions, public or private, which receive federal funding.

Many of the state laws in the Southeastern United States are vague as to what types of services are covered. A few of the states discuss only circulation records. It is unclear whether these statutes cover reference inquiries or other types of non-circulation services. The Arkansas statute is the only one that specifically deals with such issues as computer use and reference queries.

### Disclosure of Private Information

As with other issues, the libraries of the Southeast are generally in agreement on the topic of disclosure of private information. Tennessee's statute<sup>29</sup> is typical of these laws. Libraries can only release records of patron transactions when the library has the written consent of the patron, unless the library has received a court order. An exception is when library officials are working within the scope of their duties, such as when the records are "used to seek reimbursement for or the return of lost, stolen, misplaced or otherwise overdue library materials."<sup>30</sup> Arkansas, Georgia, North Carolina, and South Carolina have similar provisions. The Arkansas statute further provides that "Public libraries shall use an automated or Gaylord-type circulation system that does not identify a patron with circulated materials after materials are returned."<sup>31</sup>

Mississippi's statute is very general and lacks any provisions for disclosure of records. Three states--Florida, Alabama, and Louisiana—allow parents or guardians to access the records of their minor children. West Virginia does not mention access by parents, but does allow the parents or guardian of a minor child to waive privacy. The language in the West Virginia statute suggests that parents or guardians could obtain their minor child's records; however, the statute contains no guidance on this issue.

Virginia's privacy provision is contained within that state's Freedom of Information Act, and constitutes an exception to records that may be released to the public. However, the statute does not prohibit library officials from disclosing the records, thus giving library officials the discretion to determine whether or not to disclose. It is also unclear whether libraries in Virginia would be required to turn over their records upon subpoena. Similarly, in Louisiana and Kentucky, privacy of library records provisions are only found within the context of each state's Open Records Act.

In the Southeast, the District of Columbia has the most detailed provisions relating to disclosure.<sup>32</sup> The D.C. statute ensures confidentiality of circulation records except for information related to the operation of the library, or for releases of information in response to a court order. However, the D.C. statute goes on to provide provisions for challenging court orders.

A further provision requires that D.C. public libraries send a copy of the subpoena by certified mail to the affected patrons, along with the following notice:

Records or information concerning your borrowing records in the public library in the District of Columbia are being sought pursuant to the enclosed subpoena. In accordance with the District of Columbia Confidentiality of Library Records Act of 1984, these records will not be released until 10 days from the date this notice was mailed. If you desire that these records or information not be released, you must file a motion in the Superior Court of the District of Columbia requesting that the records be kept confidential, and state your reasons for the request. A sample motion is enclosed. You may wish to contact a lawyer. If you do not have a lawyer, you may call the District of Columbia Bar Lawyer Referral Service.<sup>33</sup>

According to the statute, the required notice may be waived by court order if the presiding judge finds that:

- (A) The investigation being conducted is within the lawful jurisdiction of the government authority seeking the records;
- (B) There is reason to believe that the records being sought are relevant to a legitimate law enforcement inquiry; or
- (C) There is reason to believe that the notice will result in:
  - (i) Endangering the life or physical safety of any person;
  - (ii) Flight from prosecution;
  - (iii) Destruction of or tampering with evidence;
  - (iv) Intimidation of potential witnesses; or
  - (v) Otherwise seriously jeopardizing an investigation or official proceeding.<sup>34</sup>

It is interesting that the District of Columbia has such detailed requirements for the execution of search warrants. This issue came to the forefront in D.C. several years ago during the Bill Clinton/Monica Lewinsky scandal when special prosecutor Kenneth Starr requested records of the books Ms. Lewinsky had purchased from the KramerBooks bookstore. KramerBooks appealed the order, and the request was eventually withdrawn. Had this request been for library circulation records, there would have been greater guidance and privacy protection. However, the D.C. statute has been affected by the anti-terrorism legislation passed by Congress in the wake of the terrorist attacks on September 11, 2001. I will discuss the anti-terrorism statute later in this article.

### Privileged Communication in Georgia

Georgia has taken a unique approach to the issue of library privacy. The confidentiality of library records is included within the Evidence Code and involves the concept of privileged communications. However, the statute reads like those of many other states, and there is some question as to whether the placement within the Evidence Code does in fact make library records privileged.

Privileges are exceptions to the general rule that a witness must answer any questions that are asked. Unless the witness has a privilege, he or she can not refuse to testify. "Privileges only exist to serve important interests and relationships, they are construed narrowly, and new ones are rarely created, at least by the courts."<sup>35</sup> The person whose information is being kept confidential can waive some privileges. The question is who "holds" the privilege, and therefore who can consent to waive it. Only the holder of the privilege can allow a witness to testify to privileged information. Courts from most Federal and state jurisdictions recognize the following privileges:

**The privilege against self-incrimination:** This privilege is guaranteed by the Fifth Amendment to the U.S. Constitution.

**The attorney-client privilege:** The attorney may not disclose any information without the consent of the client.

### Spousal and marital privileges:

A married person is not required to testify against his or her spouse. The witness can decide whether or not to testify; the spouse can not prevent the witness from testifying. Some states also recognize a privilege for confidential marital communications. The marital communications privilege belongs to both spouses, which means that both parties have to consent in order for the witness to testify. The spousal privilege and the marital privilege do not apply in situations where one spouse is suing the other, or where one spouse is charged with crimes against the other spouse.

### The Physician-patient privilege:

The patient holds this privilege, so the physician is not allowed to testify without the patient's permission. However, most states require physicians to report suspected child abuse and molestation.

### The psychotherapist-patient

**privilege:** This privilege applies to any type of counselor, including psychiatrist, psychologist, social worker, etc. As with the physician, this privilege is held by the patient. An exception to this rule is when the patient threatens harm to another person. The psychotherapist must disclose such a threat to the authorities.

### The clergyman-penitent privilege:

This privilege is held by both parties, which means that both have to agree before the communication can be divulged.

**The journalist's privilege:** This privilege is a recent addition to the law of evidence, and is the subject of a great deal of litigation. Journalists claim that they do not have to reveal their sources. Not all courts recognize this privilege.<sup>36</sup>



The inclusion of library privacy in the Georgia Evidence Code implies that information in library records is subject to a privilege. Although the statute is written in the context of evidence law, the wording does indicate that the statute might have broader application. The holder of the privilege is the user, or the user's parent or guardian. The only exception is upon an order of the court.<sup>37</sup>

The last point raises the question of whether a witness may legally refuse to testify on the grounds that he or she has a privilege. Since the statute is written in the context of evidentiary privilege, it would imply that a witness may permissibly refuse to testify. However, the statute goes on to state that disclosures may be made upon court order or subpoena. The statute contains no annotations to help resolve this problem, nor does a current search of Georgia case law or Georgia Attorney General opinions. It seems that the Georgia legislature intended to draft a general statute, similar to those of other states, regardless of its inclusion in the Georgia Evidence Code.

### Kentucky and the Attorney General

Kentucky alone among the Southeastern states does not have a statutory provision relating to library records. Instead the Kentucky position on confidentiality is laid out in two Attorney General opinions. In Kentucky the Attorney General opinions are considered binding law in the absence of legislative action or court interpretations; therefore, these opinions constitute the law of the state on library records.

On April 21, 1981, the Kentucky Attorney General responded to a question submitted by James A. Nelson, the State Librarian, regarding library records. The Attorney General determined that library records are not subject to disclosure under the Open Records Act because they fall under the exception for "public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy . . ."<sup>38</sup> The Attorney General opinion goes on to say:

We think that the individual's privacy rights as to what he borrows from a public library (books, motion picture film, periodicals and any other matter) is overwhelming. In fact we can see no

public interest at all to put in the scales opposite the privacy rights of the individual. We would point out, however, that Kentucky has no privacy statute and that the exceptions to mandatory disclosure of public records are permissive and no law is violated if they are not observed by the custodian. In summary, it is our opinion that the custodian of the registration and circulation records of a public library is not required to make such records available for public inspection under the Open Records Law.<sup>39</sup>

The following year<sup>40</sup> this decision was followed by a second opinion. Since the initial opinion used the term "public libraries," Nelson sought a clarification about what types of libraries were included in the opinion. The reply stated:

Our opinion applies to any library which is subject to the Open Records Law as defined by KRS 61.870. This includes all tax supported libraries and all private libraries which receive as much as 25 percent of their funds from state or local authority. It does not include, of course, a private library receiving less than 25 percent of its funds from state or local authority. Our opinion, in effect, places tax supported libraries in the same position as private libraries which would not be governed by the Open Records Law. In other words, all libraries may refuse to disclose for public inspection their circulation records. As far as the Open Records Law is concerned, they may also make the records open if they so choose; *however, we believe that the privacy rights which are inherent in a democratic society should constrain all libraries to keep their circulation lists confidential.* [Emphasis added]<sup>41</sup>

Since this opinion interpreted the law within the context of Kentucky's Open Records Act, there was no discussion of penalties or of exceptions to disclosure. Kentucky Libraries are in fact free to open their records if they wish, but are also free to keep their records closed. However, the Attorney General made it very clear in both opinions that the privacy interests of the individual were extremely strong.

### The USA Patriot Act

The terrorist attacks on the World Trade Center and the Pentagon have caused the Federal government to revise many of its laws. On October 25, 2001, Congress passed the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)."<sup>42</sup> This statute makes many changes in the way that search warrants are issued for business records. The new law affects libraries because library circulation records are business records.

The law states that the FBI "may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution."<sup>43</sup>

This statute brings up a number of important issues. For example, the statute does not require the judge or magistrate who issues the search warrant to find probable cause. The law reads: "Upon an application made pursuant to this section, the judge *shall* enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section."<sup>44</sup> [Emphasis added] Since the Fourth Amendment to the U.S. Constitution states that no warrants shall be issued without "probable cause,"<sup>45</sup> there is a possible conflict between the terms of the statute and constitutional principles that the Supreme Court has continually upheld. This apparent conflict remains to be decided in the courts.

The USA Patriot Act also states: "No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section."<sup>46</sup> This section of the act appears to be in conflict with the provisions of the D.C. Code which require the library to notify their patron in the event that a warrant is issued.<sup>47</sup>

The American Library Association has addressed the issues raised by the new statute. On October 26, 2001, Don Wood, program officer with the ALA's Office of Intellectual Freedom, distributed a statement interpreting the new law. This statement was especially concerned with the provisions relating to nondisclosure of search warrants. According to the ALA's interpretation, "The existence of this provision does not mean that libraries and librarians served with such a search warrant cannot ask to consult with their legal counsel concerning the warrant. A library and its employees can still seek legal advice concerning the warrant and request that the library's legal counsel be present during the actual search and execution of the warrant."<sup>48</sup>

Because of potential conflicts with local laws and since there are some constitutional issues involved, the ALA has made an arrangement with a law firm to assist libraries in the event that a search warrant is served under the new law. According to the ALA statement, "If you or your library are served with a warrant issued under this law, and wish the advice of legal counsel but do not have an attorney, you can still obtain assistance from Jenner & Block, the Freedom to Read Foundation's legal counsel. Simply call the Office for Intellectual Freedom and inform the staff that you need legal advice without disclosing the reason you need legal assistance. OIF staff will assure that an attorney from Jenner & Block returns your call. *You do not and should not inform OIF staff of the existence of the warrant.*"<sup>49</sup> [Emphasis added]



The USA PATRIOT Act has created some new issues for librarians. However, you should remember that, under the laws that existed before September 11, libraries already had to turn over circulation records if served with a valid subpoena or search warrant. If you are faced with a problem relating to circulation records, the best thing to do is to consult with legal counsel.

## Conclusion

This brief survey of library privacy laws in the Southeastern United States shows that the state governments of this region have given library patrons many privacy protections, but that further clarifications and protections are still needed. Here are some of the major points that apply (with occasional exceptions and variations) to the entire region:

All of the states in the Southeastern United States, as well as the District of Columbia, have developed some form of privacy protection for library records, either as statutes, rules of evidence, or Attorney General opinions. The specifics of these protections vary from state to state, but all of them apply to public libraries. Although some states do not indicate what types of libraries are covered, other states apply their library privacy laws to all types of libraries that receive public funding. All of the privacy protections apply to circulation records, but the inclusion of other types of library services (including computer use, reference, and reserves) is murky. Only the Arkansas statute specifically refers to privacy protection for the use of computer materials (e-mail, web sites, chat rooms, etc.). In some of the other states, the provisions relating to non-circulation records that identify a patron might also apply to computer usage and to other non-specified library resources.

The governments of the Southeastern United States have developed methods--statutes, rules of evidence, and Attorney General opinions—to protect the privacy and confidentiality of library records, and thus of library patrons. The governments of the Southeastern states should standardize and strengthen library privacy statutes. Each state should have language applying the law to all types of libraries, and to all types of library services. The Arkansas law is a very good model for library privacy statutes.

While there could be improvement in library privacy laws in the Southeastern region, certainly the states in this region have provided protection from unwarranted intrusion. All libraries and all librarians should be aware of the state and federal laws relating to privacy. Thus, librarians need no longer fear the inquisitive visitor on a rainy night.

## References

- <sup>1</sup> “We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.” American Library Association. Code of Ethics of the American Library Association. <http://www.ala.org/alaorg/oif/ethics.html>
- <sup>2</sup> Foerstel, Herbert N. Surveillance in the Stacks. New York: Greenwood, 1991, p. 11. Quoting “FBI in New York asks Librarians’ Aid in Reporting on Spies.” New York Times, September 18, 1987, Section A, p.1- Section B, p. 2.
- <sup>3</sup> Foerstel, p.22.
- <sup>4</sup> “FBI in New York asks Librarians’ Aid in Reporting on Spies.” New York Times, September 18, 1987, Section A, p.1 - Section B, p. 2.
- <sup>5</sup> Foerstel, p. 59. Quoting Nightline with Ted Koppel. ABC Television, July 13, 1988.
- <sup>6</sup> Tennessee Code Annotated §10-8-101(2).
- <sup>7</sup> Tennessee Code Annotated §10-8-101(1).
- <sup>8</sup> South Carolina Code Annotated §60-4-10.
- <sup>9</sup> Alabama Code §41-8-10.
- <sup>10</sup> Arkansas Code Annotated §13-2-701(a).
- <sup>11</sup> Louisiana Revised Statutes §44:13
- <sup>12</sup> D.C. Code Annotated §37-106.2; WV ST §10-1-22; FL ST § 257.261.
- <sup>13</sup> D.C. Code Annotated §37-106.2.
- <sup>14</sup> Georgia Code Annotated §24-9-46.
- <sup>15</sup> Alabama Code §41-8-10.
- <sup>16</sup> Florida Statutes Annotated §257.261.
- <sup>17</sup> West Virginia Code Annotated §10-1-22.
- <sup>18</sup> Virginia Code Annotated §2.1-342.01.
- <sup>19</sup> Louisiana Revised Statutes §44:13(a)
- <sup>20</sup> Louisiana Revised Statutes §44:13(b)
- <sup>21</sup> D.C. Code Annotated §37-106.2.
- <sup>22</sup> Mississippi Code Annotated §39-3-365.
- <sup>23</sup> South Carolina Code Annotated §60-4-10.
- <sup>24</sup> *id.*
- <sup>25</sup> Tennessee Code Annotated §10-8-102(a).

<sup>26</sup> North Carolina General Statutes §125-19.

<sup>27</sup> Arkansas Code Annotated §13-2-701(b).

<sup>28</sup> 20 U.S.C. § 1232g

<sup>29</sup> Tennessee Code Annotated §10-8-102(b).

<sup>30</sup> Tennessee Code Annotated §10-8-102(b).

<sup>31</sup> Arkansas Code Annotated §13-2-703(b).

<sup>32</sup> D.C. Code Annotated §37-106.2.

<sup>33</sup> D.C. Code Annotated §37-106.2.

<sup>34</sup> D.C. Code Annotated §37-106.2.

<sup>35</sup> DiCarlo, Vincent. "Summary of the Rules of Evidence: The Essential Tools for Survival in the Courtroom." Findlaw for Legal Professionals. <http://profs.lp.findlaw.com/litigation/evidence13.html> (April 26, 2001).

<sup>36</sup> The list of privileges is based on DiCarlo. His list contained a number of other privileges available in California that are not widely recognized; in this paper I included the privileges which are generally recognized. See, <http://profs.lp.findlaw.com/litigation/evidence13.html>

<sup>37</sup> Georgia Code Annotated §24-9-46.

<sup>38</sup> 1981 Kentucky Attorney General Opinion 2-718, OAG 81-159. Quoting KRS §61.878(1)(a). April 21, 1981.

<sup>39</sup> 1981 Kentucky Attorney General Opinion 81-159. April 21, 1981.

<sup>40</sup> March 12, 1982.

<sup>41</sup> 1982 Kentucky Attorney General Opinion 2-164, OAG 82-149. March 12, 1982.

<sup>42</sup> "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001." Public Law Number 107-56 (October 26, 2001). Available online at <http://www.ins.gov/graphics/lawsregs/patriot.pdf>

<sup>43</sup> Pub. L. No. 107-56 §501(a)(1)

<sup>44</sup> Pub. L. No. 107-56 §501(c)(1)

<sup>45</sup> U.S. Constitution, 4th Amendment. Available at <http://caselaw.lp.findlaw.com/data/constitution/amendments.html>

<sup>46</sup> Pub. L. No. 107-56 §501(d)

<sup>47</sup> D.C. Code Annotated §37-106.2

<sup>48</sup> Don Wood <dwood@ala.org>. "ALERT: Libraries and the USA PATRIOT Act." Sent to American Library Association Member Forum <member-forum@ala.org>, (October 26, 2001). Available online at <http://www.ala.org/alaorg/oif/alertusapatriotact.html>

<sup>49</sup> Wood e-mail.

## People News

**Mary Edna Anders** of Northport Alabama passed away on October 18, 2001. She received degrees from the University of Alabama, University of North Carolina and Columbia University. She held positions in library and information science areas in several universities in the Southeast, retiring as Principal Research Scientist from the Georgia Tech Research Institute in 1981. Ms. Anders was a former recipient of SELA's Mary V. Rothrock Award.

**Joanne Bellovin** is the new Director of the Central Florida Community College Library. Most recently, she was director of the Santa Fe Community College Library (Florida).

**Daniel Timothy Buggs** has been appointed manager of the Model City branch of Miami-Dade Public Library System

**John Clemons**, associate director of the Emory University Division of Library and Information Management and a member of the faculty of the division from 1966 until the division closed in 1988, died Monday, May 7, 2001. John stayed on for a year or more after the official closing of the division to assist alumni of the school in their requests, to close up accounts, and to assemble the school's records, which are now part of the University Archives.

**Lauren Corbett** has accepted the position of Acquisitions Team Leader for the General Libraries of Emory University. She began September 17, 2001. Lauren comes to Emory from Old Dominion University where she served as Serials Services Librarian. Lauren received her MLIS from University of North Carolina at Greensboro and her B.A. in French from Davidson College.

**Minnie H. Dunbar**, former reference librarian at Florida International University in Miami, died July 29 of a brain aneurysm.

**David Faulds** joined the General Libraries of Emory University as the Special Collections Cataloger on January 2, 2002. He comes to Emory from the Beinecke Rare Book and Manuscript Library at Yale University where he served as catalog librarian. David has held a variety of other positions including serving as Rare Books Cataloger at St. Edmund Hall at Oxford University in Oxford England. He

received his MLS from North Carolina Central University.

**Cris Ferguson** (M.S., University of Tennessee, B.A. University of Richmond) has been named Assistant Professor/Serials Librarian at Mississippi State University Libraries.

The Louisiana State Library is pleased to announce that **Ferol Foos** has accepted the position of Louisiana State Recorder of Documents, replacing Stacey Hathaway-Bell who left for a job at the Texas State Library. She will begin working in the Recorder's Office November 13. Ms. Foos has spent most of her professional career as librarian at Albemarle/Ethyl Corporation. Ferol has held many leadership roles in SLA and LLA, and has been honored with the SLA "Becky" Award and the LLA Subject Specialist Lucy B. Foote Award

**Michelle Marie (Shellie) Foss** has joined the reference staff at the University of Central Florida Libraries in Orlando. She received her MLS from Kent State and was most recently the Director of Corporate Information Services at Christian & Timbers in Cleveland, Ohio.

**Virginia O. "Voggie" Grazier**, 85, of Fernandina Beach, retired head librarian of the Fernandina Beach Public Library, died Nov. 10 at Shands Hospital, Jacksonville. A native of Boston, Mrs. Grazier had resided in Nassau County since 1971. She earned her masters in library science from Florida State University and served as acting state librarian in 1971.

**Jill Grogg** (M.S., University of Tennessee, M.A., University of Mississippi, B.A. University of Tennessee at Chattanooga) has been named Assistant Professor/Instruction Services Librarian at Mississippi State University Libraries.

**Mary Anne Hodel** was appointed director of the Orange County (Florida) Library System in August. Ms. Hodel was previously director of the Ann Arbor, Michigan District Library. The Orange County Library District serves most of the metropolitan Orlando area through its main downtown library and 13 branches. It has a \$22.7 million budget and employs over 300 persons.

[John Kelly](#) has joined the faculty of the University of New Orleans Earl K. Long Library in the newly created position of Digital Initiatives Librarian. John received his MLIS from Louisiana State University in August 2001. Since 1998, Mr. Kelly had worked as a Library Associate in the Special Collections Department of the UNO.

[Jason Martin](#), a graduate student from the University of South Florida School of Library and Information Science and graduate assistant at the USF Tampa Library, has accepted a position as Business Reference Librarian at Louisiana State University (LSU) in Baton Rouge, La.

[Mary Mayer-Hennelly](#) has been appointed the new Associate Dean for Learning Resource Services at the Tidewater Community College where she will oversee all library operations at the community college's four sites. Prior to October 26, she was the Support Administrator, previously called the Assistant Director, at Norfolk Public Library. Mary earned her BA from the University of Massachusetts, MLS from McGill University, and MPA from Old Dominion University.

After 28 years of service [Michelle H. Neal](#) has retired as Interlibrary Loan Librarian, University of North Carolina at Chapel Hill. Earlier in her career Ms. Neal served as a reference librarian at the Burlington Public Library, Burlington, North Carolina.

[Marilyn Ochoa](#) is the new Humanities and Social Sciences Reference Librarian at the George A. Smathers Libraries at the University of Florida. Marilyn has an MLS from the University of Pittsburgh and a BA in Political Science and English from LaSalle University.

[Sally G. Reed](#), Director of Libraries for the city of Norfolk, Virginia, since 1995, will become the new Executive Director of Friends of Libraries USA (FOLUSA) in Philadelphia, PA, effective January 14. FOLUSA is a national organization supporting over 2,000 Friends of Libraries groups across the country and representing hundreds of thousands of individual library supporters. FOLUSA's mission is to motivate and support local Friends groups across the country in their efforts to preserve and strengthen libraries and to create awareness and appreciation of library services.

[Sharman B. Smith](#) was appointed executive director of the Mississippi Library Commission on August 1<sup>st</sup>. Ms. Smith is a native Mississippian having served in several positions at the Commission earlier in her career. Prior to her new appointment she held the position of State Librarian of Iowa where she directed the renovation and restoration of the Iowa State Library.

[Christine Stillings](#) has the position of Manager LRC/Library Services and serves as Reference Department Head at Seminole Community College. She earned her bachelor's degree in History from Gordon College in Massachusetts, and her graduate degree in Library and Information Science from the University of South Florida.

[George D. Terry](#), Vice Provost and Dean of Libraries at the University of South Carolina from 1991 to 2001, died October 20, 2001. He held B.A., M.A., and Ph.D. degrees from the University of South Carolina. Before assuming the position of dean, Dr. Terry had served the University as director of McKissick Museum and administrator for special projects including development of an online library system to link the University's nine campuses. Dr. Terry excelled in facilitating the acquisition of notable materials for the libraries' special collections departments. A special dream of Dr. Terry's was achieved with the opening of the University of South Carolina Library Annex and Conservation Facility in 1999. The facility provides climate-controlled storage for over one million volumes and a state-of-the-art conservation and preservation laboratory.

[Hector M. Vazquez](#) has been appointed manager of Miami-Dade Public Library's Allapattah branch.

[Rachel Viggiano](#), formerly at the Florida Distance Learning Reference & Referral Center in Tampa, has joined the reference staff of the University of Central Florida Libraries in Orlando. Rachel received her MLIS from the University of South Florida.

[Linda Visk](#) has retired from the General Libraries of Emory University after 35 years as a cataloger, serials cataloger and special collections cataloger.

## SELA News

### Southern Books Competition Awards Announced

SELA's Southern Books Competition Committee has announced awards for Book Design for the year 2000 as follows. Expanded coverage including annotations and four color images of the winning book cover designs can be found by visiting <http://valdosta.edu/~mpuffer/SBC/2000.htm>

#### Award of Overall Excellence

University of Georgia Press  
Increase, by Lia Purpura  
Design: Erin Kirk New  
Jacket: Illustration "Maternity" by Milton Avery  
Printer: Maple-Vail Book Group

#### Award of Excellence

University of Georgia Press  
One Family, by Vaughn Sills  
Design: Kyong Choe  
Printer: C & C Offset

#### Awards of Merit

University of Alabama Press  
River Song, by Joe and Monica Cook

Design: John Langston  
Printer: Pacifica Communications  
Geneva Press  
Come Worship With Me, by Ruth L. Boling  
Design and illustrations: Tracey Dahle Carrier  
Printer: Midas Printing

University of Alabama Press  
All the Lost Girls, by Patricia Foster  
Design: Michele Myatt Quinn  
Printer: Thomson-Shore

#### Award of Honorable Mention

Louisiana State University Press  
Louisiana Faces, by Jason Berry  
Photographs by Philip Gould  
Design: Laura Roubique Gleason  
Printer: Dai Nippon Printing

#### Award of Excellence in Dust Jacket Design

University of Georgia Press  
Stories With a Moral, by Michael Price  
Book Jacket Design: Walton Harris

#### Special Recognition for Paperback Cover

Geneva Press  
The Piety of John Witherspoon, by L. Gordon Tait; Book Cover Design: Lisa Buckley

### "New Voices" Call for Papers

The University and College Libraries Section of the Southeastern Library Association is sponsoring "New Voices," an opportunity for new librarians to present ideas and perspectives on library issues.

- What:** Papers to be presented at the 2002 Southeastern Library Association Conference, 24 – 26 October 2002, in Charleston, SC. Two papers will be selected, from those submitted, for presentation and publication in *The Southeastern Librarian*.
- Eligibility:** Professionally employed librarian, one to five years of experience, who is willing and able to attend the conference and present paper.
- When:** Conference dates are 24 – 26 October 2002. Program date and time to be announced.
- Where:** Lightsey Center of the College of Charleston. Charleston, SC.
- Deadlines:** Statement of commitment and topic by 1 April 2002. Papers submitted by 30 May 2002.
- Contact:** Elizabeth M. Do little, Wyndham Robertson Library  
Hollins University, P. O. Box 9000 Roanoke, VA 20420  
(540) 362-6234, email: [edoolittle@hollins.edu](mailto:edoolittle@hollins.edu)



## Nominations Sought for SELA Honorary Membership

The SELA Honorary Membership Committee is accepting nominations for honorary membership in the Southeastern Library Association. This designation is conferred upon living individuals who have made outstanding contributions to the Association or to library development in the Southeast.

### Criteria:

1. Honorary membership should be conferred for significant contributions to librarianship in the Southeast.  
The honor:
  - a. May recognize persons elected to leadership positions in the Association
  - b. May recognize persons who have made other contributions to librarianship in the region.
  - c. Should be based upon regional rather than state or local contributions to the profession.
2. The designation should recognize the contribution of an individual per se, rather than an individual representing the accomplishments of many.
3. The person should be of such caliber as to reflect honor upon SELA by this designation.
4. Honorary membership should be conferred as a result of a contribution of more than passing importance and local or limited achievement. It should not be conferred because of momentary enthusiasm.
5. The person may be a librarian or a person in a related field.
6. Only a living person should be considered for honorary membership.
7. No more than five honorary memberships should be awarded in any biennium.
8. Membership entitles the recipient to a life membership in the Association, with no further payment of dues.
9. Should no qualified individual be nominated or approved by the committee no award will be made.
10. The person making the nomination must be a member of SELA, but the nominee need not be.

Submit nominations along with any supporting biographical material, to any member of the Honorary Membership Committee by **April 24, 2002**.

Diane Baird, Librarian  
Middle State Tennessee University Library  
425 E. Main Street, Apt A  
Murfreesboro, TN 37130

Virginia Hodges, Librarian  
Northeast State Technical Community College  
P.O. Box 246  
Blountville, TN 37617-0246

Elizabeth Killingsworth  
Reference Librarian  
University of Central Florida Library  
P. O. Box 162666  
Orlando, FL 32816-2666

Jimmie M. McWhorter  
306 Brawood Drive  
Mobile, AL 36608-1532

James E. Ward, Chair  
410 Ashlawn Court  
Nashville, TN 37215

For additional contact information see page 14 of the SELA Leadership directory at <http://www.seflin.org/sela/directory.pdf> or contact Jim Ward at (615) 665-0301.

Nominee: \_\_\_\_\_ Nominee phone/email: \_\_\_\_\_

Nominee Address: \_\_\_\_\_

SELA Member making nomination: \_\_\_\_\_ Phone/Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Call for Nominations for Rothrock Award

Purpose: To honor a librarian who has contributed substantially to the furtherance of librarianship in the southeast during a career.

History: The Rothrock Award was established in 1976 from the will of Mary Rothrock. It was sent to the SELA President on February 11, 1976, and stated, "I bequeath \$10,000 to the SELA, the income from which shall be used to establish a biennial award. The recipient of this award is to be designated by a committee of the Association from among librarians of the Southeastern States, and chosen for exceptional contribution to library development in the Southeast." The committee shall be appointed by the President of SELA and shall include librarians from varying member states of SELA. The recipient of this award has always been kept secret until the actual presentation is made during the conference.

Criteria:

1. The age and years of service should not be a deciding factor in the selection.
2. Service in one or more states of the southeast would qualify a person for nomination for the award.
3. The award should be made to only one person in any biennium, and, if no deserving person is nominated, an award may be omitted for that biennium.
4. Nomination must be made by an SELA member.

Submit nominations along with any supporting biographical material, to any member of the Rothrock Award committee by [April 15, 2002](#).

Betty Carolyn Ward, Chair  
PO Box 22  
Decatur, TN 37322

Rose Davis  
318 Wagon Trail Court  
Bowling Green, KY 42103

Margo Mead  
301 Sparkman Dr. NW  
Huntsville, AL 35899

Paul Ritz  
Librarian  
Clearwater Countryside Library  
PO Box 401  
Clearwater, FL 33757

Donald Craig  
Dean of Library  
Middle TN State University  
PO Box 13  
Murfreesboro, TN 37132

Erica Fields  
103L Quail Lakes Drive  
Winston-Salem, NC 27104

Mark Pumphrey  
Library Director  
Polk County Public Library  
51 Walker St.  
Columbus, NC 28722

Bonnie Sullivan  
Media Specialist  
Capital City Alternative School  
PO Box 36  
D'Lo, MS 39263

Please provide name of nominee, nominee's phone/email, mailing address, SELA member making nomination, member phone/email, signature, date and supporting biographical information.

## Ginny Frankenthaler Memorial Scholarship in Library Science

The Ginny Frankenthaler Memorial Scholarship in Library Science is made possible through the generosity of The Frankenthaler Memorial Fund, Inc. Mrs. Frankenthaler believed that our free library system is the basis for a good life and that the greatest gifts a human being can have are good memories and education, both of which are supplied free by our public library system.

The purpose of the scholarship is to recruit beginning professional librarians who possess potential for leadership and commitment to service in libraries in the Southeastern United States (see below).<sup>1</sup> The scholarship provides financial assistance toward completion of the graduate degree in library science from an institution accredited by the American Library Association.

The \$2,000 scholarship is awarded annually. The recipient of the scholarship is notified in June with funding to begin with the fall school term. The scholarship will be paid to the recipient in equal installments at the beginning of each term of the school year. The presentation of the scholarship award is made at the Biennial Southeastern Library Association Conference.

To apply for the scholarship, submit to the Committee Chair:

1. Official application form (see following page) – feel free to photocopy
2. Letter of acceptance from a library school accredited by the American Library Association
3. Three letters of reference sent directly by the individuals to the chair of the committee; If possible, these persons should include: 1) a professor under whom you have studied, 2) a former employer, preferably a librarian, and 3) any person who can attest to your professional or academic ability
4. Official transcripts of all academic work sent directly from each institution of higher education to the chair of the committee

The recipient of the scholarship must:

1. Be a graduate of an accredited college or university or completing the senior year at such an institution
2. Be accepted as a student in a degree program accredited by the American Library Association
3. Be ready to begin the program of study no later than the fall term of the year in which the scholarship is awarded
4. Indicate the intention to complete degree requirements within three years. If the degree is not completed in this length of time, the money awarded must be returned with interest.
5. Maintain a B grade point average throughout the program and submit grade reports to the committee chair at the end of each term
6. Commit to working for a minimum of one year after graduation in a school, public or academic library in states that are included in the Southeastern Library Association<sup>1</sup>. If, after graduation, the recipient does not work for one year in a school, public or academic library in one of the states listed, the recipient must pay back the amount of the scholarship, including interest. Repayment must be made within a two-year period.

All applications are due by the deadline of **May 1, 2002**. See the application form following. Selection will be based on the application and supporting documents. Factors that will be considered in making the award include academic excellence, potential for leadership, commitment to library service, and financial need. Other considerations being equal, residents of Liberty County, Georgia or Southeastern Georgia will be given preference. Mrs. Frankenthaler was a native of Liberty County Georgia. Members of the Frankenthaler family are ineligible to receive scholarships.

<sup>1</sup> Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

## Application for *Ginny Frankenthaler Memorial Scholarship In Library Science*

Mail by **May 1, 2002** to: Chair, Frankenthaler Memorial Scholarship,  
SELA c/o SOLINET, 1438 W. Peachtree Street, NW, Suite 200, Atlanta, GA 30309-2955

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: (h) \_\_\_\_\_ Telephone: (w) \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Education: List all schools of higher education attended

Institution with Address	Dates Attended	Major and Minor Fields of Study	Degrees and Dates

List any academic and/or professional honors you have received:

---

---

---

Employment History:

Institution or Organization	Dates	Nature of Work

What library school do you plan to attend? \_\_\_\_\_

Will you be receiving other student aid, scholarship or assistance? ☐ Yes ☐ No

If yes, please specify including amount.

---

---

---

Month and year school term begins \_\_\_\_\_

Month and year of expected completion of degree \_\_\_\_\_

Do you plan to work in the Southeastern United States? ☐ Yes ☐ No

State your reasons for wanting to be a librarian and your ultimate professional goals. **(Compose your response on a separate sheet and submit with the application.)**

**I certify that the information provided on this application is true and complete to the best of my knowledge.**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

## Guidelines for Submissions to

### *The Southeastern Librarian*

1. *The Southeastern Librarian (SELn)* seeks to publish articles, announcements, and news of professional interest to library staff in the Southeast. Articles need not be of a scholarly nature but should address professional concerns of the library community. *SELn* particularly seeks articles that have a broad southeastern scope and/or address topics identified as timely or important by SELA sections, round tables, or committees.
2. News releases, newsletters, clippings, and journals from libraries, state associations, and groups throughout the region may be used as sources of information.
3. Manuscripts should be directed to Frank R. Allen, *SELn* Editor, University of Central Florida Library, P.O. Box 162666, 4000 Central Florida Blvd; Orlando Florida, 32816-2666. Email: [fallen@mail.ucf.edu](mailto:fallen@mail.ucf.edu) or fax (407) 823-2529.
4. Although longer works may be considered, 2,000- to 5,000-word manuscripts are most suitable. Manuscripts should be double-spaced (text, references, and footnotes) and may be submitted in either print or electronic form. If submitting electronically please use MS Word or compatible format if possible. For final copy please do not use imbedded endnotes.
5. The name, position, and professional address of the author should appear in the bottom left-hand corner of a separate title page.
6. Authors should use the author-date system of documentation. The editors will refer to the latest edition of *The Chicago Manual of Style*. The basic form for the reference within the text is as follows: (Hempel 1990, 24).

The basic form for articles and books in the reference list is as follows:

Hempel, Ruth. 1990. "Nice Librarians Do!" *American Libraries* 21 (January): 24-25.

Senn, James A. 1984. *Analysis of Information Systems*. New York: McGraw-Hill.

7. Photographs will be accepted for consideration but cannot be returned.
8. *The Southeastern Librarian* is not copyrighted. Copyright rests with the author. Upon receipt, a manuscript is acknowledged by the Editor. Following review of a manuscript, a decision is communicated to the writer. A definite publication date is given before publication. Publication can be expected within twelve months.
9. Ads for elected offices, other than those within the Southeastern Library Association, may be purchased. The appearance of an ad does not imply endorsement or sponsorship by SELA. Please contact the Editor for further information.

For complete instructions go to the SELA website <http://www.seflin.org/sela/news.html>.

# The Southeastern Librarian

Frank R. Allen, editor  
Associate Director for Administrative Services  
University of Central Florida Libraries  
P.O. Box 162666, Orlando, FL  
fallen@mail.ucf.edu

## Editorial Board

Catherine A. Lee,  
Library Director, Wesleyan College  
4760 Forsyth Road,  
Macon, GA, 31210  
clee@wesleyancollege.edu

Phyllis L. Ruscella, Associate University Librarian  
for Public Services; William Russell Pullen Library  
Georgia State University; 100 Decatur Street SE  
Atlanta, GA 30303-3202  
pruscella@gsu.edu

## SELA State Representatives

**Alabama:** Linda Suttle Harris  
Head, Reference Services, Sterne Library  
University of Alabama at Birmingham  
1530 Third Avenue South  
Birmingham, AL 35294-0014  
lharris@uab.edu

**Mississippi:** Dr. Glenda Segars  
Itawamba Community College  
Learning Resource Center  
2176 South Eason Blvd.  
Tupelo, MS 38804  
grsegars@icc.cc.ms.us

**Arkansas:** Jack C. Mulkey  
State Librarian of Arkansas  
1805 Martha, Little Rock, AR 72212  
jmulkey@comp.uark.edu

**North Carolina:** John E. Via  
Humanities Librarian  
Forsyth County Public Library  
660 West Fifth Street  
Winston-Salem NC 27101  
viaje@forsyth.lib.nc.us

**Florida:** Kathleen Imhoff, Assistant Director  
Broward County Division of Libraries  
100 S. Andrews Avenue  
Ft. Lauderdale, FL 33301  
Kimhoff@browardlibrary.org

**South Carolina:** William (Bill) McRee  
Stow South Carolina Historical Room  
The Greenville County Library  
300 College Street, Greenville, SC 29601-2086  
Wmcree@infoave.net

**Georgia:** William N. (Bill) Nelson  
Library Director, Augusta State University  
2500 Walton Way  
Augusta, GA 30904-2200  
wnelson@aug.edu

**Tennessee:** Stephen Allan Patrick  
Professor and Head, Documents/Law/Maps  
Sherrod Library, East Tennessee State University  
PO Box 70665, Johnson City TN 37614  
patrick@etsu.edu

**Kentucky:** Linda H. Perkins  
282 Hatcher Road  
Franklin, KY 42134  
perksoy@apex.net

**Virginia:** Undesignated

**Louisiana:** Sybil A. Boudreaux  
Louisiana Collection Librarian  
Earl K. Long Library – Lake Front  
University of New Orleans  
New Orleans, LA 70148  
sboudrea@uno.edu

**West Virginia:** Judy Rule  
Cabell County Public Library  
455 Ninth Street Plaza  
Huntington, WV 25701  
Jrule@cabell.lib.wv.us